

REMARKS

By this amendment, claims 1-19 are canceled and new claims 20-26 are added to place this application in condition for allowance. Applicants reserve the right to file a divisional application on canceled claims 1-19. New claims 20-26 correspond to claims 10, 12, 13, 14, 17, and 19, respectively.

In review, the Examiner has relied on JP 61 295253 to Tsuda et al. (Tsuda), United States Patent No. 6,438,997 to Saito and JP 2275723 (Yokogawa) to allege that the invention as defined in original claim 10 was anticipated.

In light of the cancellation of claim 10 and introduction of claim 20, Applicants contend that the rejections based on Saito and Yokogawa are no longer relevant. Claim 20 essentially includes the limitations of claims 15 and 16 and neither of these claims was rejected based on Saito and Yokogawa.

For the rejection based on claim 16, the Examiner combines Tsuda and JP 2000 143270 to Nagao to allege that the limitations regarding the disposition of the heat burner are disclosed. In making this rejection, the Examiner alleges that Nagao teaches these limitations and cites the abstract for support in this regard. While citing Nagao to allege that the burner positioning is disclosed, the Examiner also appears to allege that the limitation regarding the burner positioning is obvious based on an expectation by one of skill in the art. If the rejection is maintained, Applicants request that the reasoning for the rejection is clarified. The Examiner appears to allege on one hand that Nagao teaches the missing limitation from Tsuda and on the other hand that the missing limitation is obvious based on Nagao.

New claim 20 is based on the findings of the inventors as detailed in paragraphs [0073-0074] of Applicants' published patent application. More particularly, the

importance of the position of the heating burner with respect to the point on the fiber where the maximum diameter changing rate and the point immediately before the diameter changes is explained in these paragraphs. The advantages of the apparatus are detailed in paragraph [0095] of the published patent application. As is evident from Figure 6, by practicing the invention, the outer diameter of the stretched material has a very small range of variation and because of this; it is possible to utilize an entire preform even if the preform has a large variation in outer diameter.

Turning back to the rejections, Applicants submit that the Examiner has not established a *prima facie* case of obviousness against claim 20. That is, Nagao does not teach the limitation regarding the heating burner of claim 20 and because of this, even if Nagao and Tsuda were combined, such a combination would still not produce the apparatus of claim 20.

In the rejection, the Examiner cites the Abstract of Nagao as teaching the limitation relating to the burner position with respect to the point on the fiber. However, there is no disclosure in Nagao in this regard. More particularly, Nagao says nothing about controlling the position of the heating burner with respect to the point on the fiber wherein the diameter changes. Nagao merely teaches the movement of a burner with respect to the glass fiber being drawn. Therefore, it is error for the Examiner to assert that this feature is disclosed in Nagao and this error requires a withdrawal of the invention. The Examiner is called upon to clarify this position if the rejection is maintained.

The reasoning in the rejection that somehow the limitation regarding the heating burner position is obvious is also not supported with factual underpinnings. As noted in the previous paragraph, Nagao merely discloses the admittedly known process of

drawing an optical fiber using a moving burner. The reasoning used in the rejection that somehow the claim limitations are obvious in light of the teachings of Nagao are pure speculation on the part of the Examiner. This speculation cannot form the basis for a rejection based on obviousness when factually supported reasoning is required for such a rejection. Therefore, the contention that the limitation regarding the burner positioning is obvious is in error and mandates that the rejection be withdrawn.

To summarize, the cited prior art does not establish a prime facie case of obviousness with respect to new claim 20. Since claim 20 is patentable over the prior art, its dependent claims are also in condition for allowance.

Applicants also submit that dependent claims 21 and 23 are separately patentable since the formulas disclosed therein are not found in the prior art and there is no reason that one of skill in the art would arrive at such formulas.

Accordingly, the Examiner is respectfully requested to examine this application in light of this response and pass all pending claims onto issuance.

If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

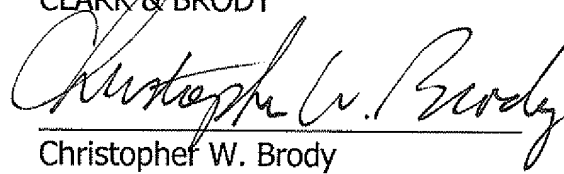
Again, reconsideration and allowance of this application is respectfully requested.

The above constitutes a complete response to all issues raised in the Office Action dated June 30, 2009.

Applicants petition for a one month extension of time. Please charge Deposit Account No. 50-1088 the fee of \$130.00.

Please also charge any fee deficiencies to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in cursive script, reading "Christopher W. Brody", written over a horizontal line.

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